

to clarify the meaning of subsection (E) of OAC 1501:13-12-03. This subsection states that any agreement between the operator and the structure owner takes precedence over 1501:13-12-03. This section appears to conflict with the requirements of section 720(a)(1) of SMCRA, which requires repair or compensation of damaged structures without regard to private agreements (see 60 FR 16722, 16735; March 31, 1995). When OSM approved this subsection in 1991, OSM asked for clarification from Ohio about this subsection. Ohio clarified this subsection to mean that the agreement must at a minimum require repair or compensation for subsidence damage of a protected structure and that anything less than this would be considered no agreement between the parties (56 FR 52469, 52470-71; October 21, 1991). Therefore, this subsection is in accordance with section 720(a)(1) of SMCRA. The Director has concluded that Ohio law at ORC 1513.162 and rules at OAC 1501:13-1-02(S); 1501:13-9-04(P); and 1501:13-12-03 (C); (D); (E) as clarified in 56 FR 52469 (October 21, 1991); (F); (H); and (I) authorize enforcement of provisions of the Energy Policy Act of 1992 in Ohio from October 24, 1992.

If circumstances within Ohio change significantly, the Director may reassess this decision. Formal reassessment of this decision would be addressed by **Federal Register** notice.

Dated: July 20, 1995.

**David G. Simpson,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-5264-8]

### Ohio: Authorization of State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Ohio submitted an application seeking final authorization of revisions to its hazardous waste program under the Resource

Conservation and Recovery Act of 1976, as amended (RCRA). The application included a program description, a statement by the Ohio Attorney General, a memorandum of agreement, and the revisions to Ohio's Administrative Code. The Environmental Protection Agency (EPA) has reviewed Ohio's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Ohio to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA).

**EFFECTIVE DATE:** Final authorization for Ohio shall be effective on September 25, 1995 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on Ohio's final authorization must be received by 4:30 p.m. central time on August 26, 1995. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a document containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

**ADDRESSES:** Copies of Ohio's final Authorization Revision Application are available for inspection and copying from 9 a.m. to 4 p.m., at the following addresses: Ms. Kit Arthur, Ohio Environmental Protection Agency, 1800 WaterMark Drive, Columbus, Ohio 43266, Phone 614/644-2956; Mr. Timothy O'Malley, U.S. EPA Region 5, Office of RCRA, 77 W. Jackson, Seventh Floor, Chicago, Illinois 60604, Phone 312/886-6085. Written comments should be sent to Mr. Timothy O'Malley, U.S. EPA Region 5, Office of RCRA, 77 W. Jackson (HRM-7J), Chicago, Illinois, 60604, Phone 312/886-6085.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy O'Malley, Ohio Regulatory Specialist, U.S. EPA Region 5, HRM-7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886-6085.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. § 6929(b), have a continuing obligation

to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In accordance with 40 CFR 271.21, revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 124, 260-266, 268, and 270.

##### B. Ohio

Ohio initially received final authorization for its program effective June 30, 1989 (54 FR 27170). Subsequently, Ohio received authorization for revisions to its program, which became effective on June 7, 1991 (56 FR 14203) and August 19, 1991 (56 FR 28008). On June 21, 1994, Ohio submitted a program revision application for additional program approvals. Today, Ohio is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Ohio's application, and has made an immediate final decision that Ohio's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Ohio. The public may submit written comments on EPA's immediate final decision up until August 26, 1995. Copies of Ohio's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Ohio's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On September 25, 1995, Ohio will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous state authority
<p>*Reportable Quantity Adjustment Methyl Bromide Production Wastes, October 6, 1989, (54 FR 41402).</p> <p>*Reportable Quantity Adjustment, December 11, 1989, (54 FR 50968).</p> <p>*Listing of 1,1-Dimethylhydrazine Production Wastes, May 2, 1990, (55 FR 18496).</p> <p>*Land Disposal Restrictions for Third Third Scheduled Wastes, June 1, 1990, (55 FR 22520).</p>	<p>Ohio Administrative Code (OAC) 3745-51-32; Appendix II to 3745-51-20; and Appendix to 3745-51-30; effective February 11, 1992.</p> <p>OAC 3745-51-31; Appendix to 3745-51-11; Appendix to 3745-51-30; effective February 11, 1992.</p> <p>OAC 3745-51-32, Appendix II to 3745-51-20; Appendix to 3745-51-30; effective February 11, 1992.</p> <p>OAC 3745-51-20(B); 3745-51-21(B); 3745-51-22(B); 3745-51-23(B); Appendix to 3745-51-30; 3745-51-31; 3745-51-33(C); 3745-52-11(C); 3745-52-34(A)(4); 3745-54-13(A)(2) Comment; 3745-56-29; 3745-56-56; 3745-56-81; 3745-57-12(A) and (B); 3745-65-13(A)(2) Comment; 3745-67-29; 3745-67-56; 3745-67-81; 3745-68-12(A) and (B); 3745-59-01(C),(C)(3),(C)(3)(a), and (C)(3)(b); 3745-59-02(A)(1),(A)(2),(A)(3),(A)(3)(a)-(h), (A)(4),(A)(5),(A)(6),(A)(7),(A)(7)(a)-(c); 3745-59-03(A) and (B); 3745-59-09; 3745-59-35; 3745-59-40(A) and (C); 3745-59-41; 3745-59-42; 3745-59-43; 3745-65-01(E); effective February 11, 1992. OAC Rule 3745-51-24 (B); effective March 31, 1992. OAC Rule 3745-59-07; 3745-59-07 (A)(1)(b),(A)(2)(a)(ii),(A)(3)(b), (A)(7)-(9), (B)(4)(b),(B)(5)(a),(B)(5)(C), (B)(7),(C); effective September 7, 1992.</p>
<p>*Identification and Listing of Hazardous Waste; Technical Correction, July 19, 1988, (53 FR 27162).</p> <p>Mining Waste Exclusion I, September 1, 1989, (54 FR 36592).</p> <p>Mining Waste Exclusion II, January 23, 1990, (55 FR 2322).</p> <p>Testing and Monitoring Activities, September 29, 1989, (54 FR 40260).</p> <p>Testing and Monitoring Activities; Technical Correction, March 9, 1990, (55 FR 8948).</p> <p>*Toxicity Characteristic Revisions, March 29, 1990, (55 FR 11798) and June 29, 1990, (55 FR 26986).</p>	<p>OAC 3745-51-05(E) and (F)(2); effective February 11, 1992.</p> <p>OAC 3745-51-03(A)(2)(a) and (A)(2)(c); OAC 3745-51-04(B)(7),(B)(7)(a), (B)(7)(a)(i)-(xxiv),(B)(7)(b), (B)(7)(b)(i)-(xx); effective February 11, 1992.</p> <p>OAC 3745-50-10(A)(20); 3745-51-04(B)(7), (B)(7)(a)(i)-(xxiv), (B)(7)(b), (B)(7)(b)(i)-(xx); effective February 11, 1992. OAC 3745-52-23(E); effective March 31, 1992.</p> <p>OAC 3745-50-11(A)(4); and Appendix II to 3745-51-20; effective February 11, 1992.</p> <p>OAC 3745-50-11(A)(5); Appendix II to 3745-51-20; effective February 11, 1992.</p> <p>OAC 3745-51-08; 3745-67-21(D)(1); 3745-67-73 (A); 3745-51-04(B)(6)(a), (B)(9),(B)(10); 3745-51-30(C); 3745-57-03(E)(1); effective February 11, 1992. OAC 3745-51-24(A) and (B); Appendix to 3745-51-24; effective March 31, 1992. OAC 3745-59-07; effective September 7, 1992.</p>
<p>*Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987, (52 FR 35894).</p> <p>*Corrective Action for Injection Wells, December 1, 1987, (52 FR 45788).</p> <p>Delay of Closure Period for Hazardous Waste Management Facilities, August 14, 1989, (54 FR 33376).</p>	<p>OAC 3745-52-42(A)(1),(A)(2), and (B); 3745-52-44; effective February 11, 1992.</p> <p>OAC 3745-50-46(B); effective February 11, 1992.</p> <p>OAC 3745-54-13(A)(1), (A)(3)(a), and (B)(1); 3745-55-12(D)(2)(a) and (D)(2)(b); 3745-55-13 (A),(A)(1)(b)(i),(B),(B)(1)(b)(i),(C),(C)(1), (C)(2),(D),(D)(1),(D)(1)(a)-(e),(D)(2),(D)(3), (D)(4),(E),(E)(1),(E)(1)(a)-(b), (E)(2)-(4), (E)(4)(a)-(c),(E)(5),(E)(6),(E)(7), (E)(7)(a)-(d); 3745-55-42(A)(3) and (A)(4); 3745-65-13(A)(1),(A)(3)(a) and (B)(1); 3745-66-12(D)(2)(a) and (D)(2)(b); 3745-66-13(A),(A)(1)(b)(i),(B),(B)(1)(b)(i), (C),(C)(1),(C)(2),(D),(D)(1),(D)(1)(a)-(e), (D)(2),(D)(3),(D)(4),(E),(E)(1),(E)(1)(a)-(b), (E)(2),(E)(3),(E)(4),(E)(4)(a)-(c),(E)(5), (E)(6),(E)(7),(E)(7)(a)-(d); 3745-66-42(A)(3) and (A)(4); effective February 11, 1992.</p>
<p>*HSWA Codification Rule 2—Permit Conditions to Protect Human Health and the Environment, December 1, 1987, (52 FR 45788).</p> <p>*Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, September 6, 1989, (55 FR 36967) and June 13, 1990, (55 FR 23935).</p> <p>*Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment, January 31, 1991, (56 FR 3864).</p>	<p>OAC 3745-50-40(L); effective March 31, 1992.</p> <p>OAC 3745-58-30(B); 3745-59-01(C),(E),(E)(1), (E)(2), and (E)(3); 3745-59-32(F); 3745-59-33(A),(F) and (G); 3745-59-50(D), effective February 11, 1992. OAC 3745-59-07(A)(3) and (B)(7); effective September 7, 1992.</p> <p>OAC 3745-51-03(D)(1); 3745-51-20(B); 3745-52-10 Comment 2; 3745-52-11(C); 3745-52-34(D)(4); 3745-59-02(A)(5),(A)(7)(a),(A)(7)(b),(A)(3), (A)(3)(a)-(h); 3745-59-09(A) and (D)(1)(b); 3745-59-33 (B); 3745-59-35(A),(C),(D), and (E); 3745-59-40(A); Appendix to 3745-59-40; 3745-59-41(A); 3745-59-42(A),(A)(2) and (A)(3); Appendices I and II to 3745-59-42; 3745-59-43 (A),(C),(C)(1),(C)(2) and (C)(3); 3745-51-31(A); effective February 11, 1992. OAC 3745-59-07(A),(A)(1)(b),(A)(2)(a)(ii), (A)(3)(b),(A)(6) and (A)(7),(A)(8),(A)(9), (A)(10) and (B)(4)(b); effective September 7, 1992.</p>

\* Indicates HSWA requirement.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization, and which were issued by EPA prior to the effective date of this authorization. EPA has previously suspended issuance of permits for the

other provisions on June 30, 1989, June 7, 1991, and August 19, 1991, the effective dates of Ohio's final authorization for the RCRA base program, and for subsequent program revisions.

Ohio is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless

provided otherwise in a future statute or regulation.

### C. Decision

I conclude that Ohio's program revision meets all of the statutory and regulatory requirements established by RCRA described in its revised program application, subject to the limitations of the HSWA. Accordingly, EPA grants

Ohio final authorization to operate its hazardous waste program as revised. Ohio currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. Ohio also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

#### D. Codification in Part 272

EPA incorporates by reference authorized State programs in Part 272 of 40 CFR to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of the Ohio program will be completed at a later date.

#### Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Ohio's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006 and

7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: July 17, 1995.

**David A. Ullrich,**

*Acting Regional Administrator.*

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**48 CFR Parts 1501, 1503, 1504, 1505, 1506, 1509, 1512, 1513, 1514, 1515, 1516, 1519, 1520, 1522, 1524, 1525, 1530, 1531, 1532, 1533, 1536, 1545, 1546**

[FRL-5264-7]

#### Acquisition Regulation; Removal of Obsolete and Unnecessary Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is removing sections of the EPA Acquisition Regulation (EPAAR) which are obsolete, confusing, or involve delegations or procedures internal to the Agency not required for inclusion in the EPAAR.

**EFFECTIVE DATE:** July 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Paul Schaffer at (202) 260-9032, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (Mail Code 3802F).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The President directed each agency to report by June 1, 1995, all Agency regulations which can be deleted because they are obsolete, confusing, or unenforceable. This effort is aimed at making all our regulations cleaner, cheaper, and smarter. This final rule eliminates numerous sections which are outdated or unnecessary. Additionally, this rule eliminates certain delegations and designations of authority covered elsewhere in internal Agency guidance.

In addition, EPA also plans to delete internal Agency procedures for incorporation into internal Agency guidance documents at a later date. These procedures are contained in the following sections:

EPAAR section	Title
1501.602-3 .....	Ratifications.
1504.804-5 .....	Detailed procedures for closing out contract files.
1506.371 .....	Conduct of market surveys.
1509.170-1 .....	Scope of subpart.
1509.170-2 .....	Applicability.
1509.170-3 .....	Purpose.

EPAAR section	Title
1509.170-4 .....	Procedures.
1509-406 .....	Procedures.
1509.407-3 .....	Procedures.
1513.570 .....	Oral purchase orders.
1517.201 .....	Exercise of options.
1533.212 .....	Contracting Officer's duties upon appeal.
1536.201 .....	Evaluation of contractor performance.
1536.602-2 .....	Establishment of evaluation boards.
1537.200 .....	Scope of subpart.
1537.205 .....	Management controls.
1542.700 .....	Scope of subpart.
1542.705 .....	Final indirect cost rates.
1542.705-1 .....	Contracting Officer's determination procedure.

#### B. Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs, within OMB.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, et seq.

#### D. Regulatory Flexibility Act

This rule does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq.

#### E. Unfunded Mandates

This final rule does not impose unfunded mandates on state and local entities or others. It will make the internal Agency procurement process more efficient.

**List of Subjects in 48 CFR Parts 1501, 1503, 1504, 1505, 1506, 1509, 1512, 1513, 1514, 1515, 1516, 1519, 1520, 1522, 1524, 1525, 1530, 1531, 1532, 1533, 1536, 1545, and 1546**

Government procurement.

For the reasons set out in the preamble, Chapter 15 of Title 48 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Parts 1501, 1503, 1504, 1505, 1506, 1509, 1512, 1513, 1514, 1515, 1516, 1519, 1520, 1522, 1524, 1525, 1530, 1531, 1532, 1533, 1536, 1545, and 1546 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1501.101 is revised to read as follows: